



July 6, 1999

Mr. Herbert L. Prouty
City Attorney
City of Denton
215 East McKinney
Denton, Texas 76201

OR99-1885

Dear Mr. Prouty:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 125927.

The City of Denton (the "city") received a request for various information, including information relating to any proposed zoning change, preliminary plat, plat, site plan, planned development district, annexation or proposed annexation or other land use request for any property located in the City of Denton which is within the Argyle Independent School District, records relating to any proposed annexation, zoning request, plat or site plan of the Huffines Group or Huffines Partners or any entity represented by Donald Huffines or his brother. The requestor clarified his request by stating that he is not interested in any material relating to the litigation pending in the 362nd judicial district or in any matter which would be protected by Rule 408 of the Rules of Evidence or which would be considered privileged. The requestor further clarified that he only seeks information related to matters which have arisen in the last twelve calendar months or which are ongoing in nature. You inform us that you have made available to the requestor portions of the information requested. You have submitted a representative sample of information that the city seeks to withhold from disclosure. You maintain that, as this information is related to pending litigation, it is not within the scope of the requestor's request, as clarified. In the alternative, you claim that the information is excepted from disclosure under sections 552.101, 552.103, 552.107(1) and 552.111 of the Government Code.

You have submitted to this office three categories of information, Exhibit I, which includes documents relating to settlement offers under Rule 408 of the Texas Rules of Evidence; Exhibit II, which includes memoranda, letters and other documents relating to litigation; Exhibit III, which includes documents relating to legislation and litigation. You state that this information is related to the case of *City of Denton v. Denton County Fresh Water Supply District No. 1-A and Denton County Fresh Water Supply District No. 5*, No. 99-

40158-362 (362nd Dist. Ct., Denton County, Tex., filed March 2, 1999). We have reviewed this information. We believe that it relates to the pending case. As the requestor has indicated that he is not interested in access to any information relating to this case, we conclude that the submitted information is not within the scope of the request and the city need not release the information to the requestor. It is consequently unnecessary to consider the exceptions to disclosure you raise.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Kay Hastings". The signature is cursive and fluid.

Kay H. Hastings
Assistant Attorney General
Open Records Division

KHH/eaf

Ref: ID# 125927

Encl. Submitted documents

cc: Mr. Douglas Robison
120 North Austin
Denton, Texas 76201
(w/o enclosures)